App F IX 4

Previous References. 1948-49 Ml

File No 67-48

Serial Nos 97, 98.

Later References.
Ml Def No 531/50

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two.

P 53 (E)

Part B for Aug '49

SUBJECT

Sale of Site No 29 to Sri K S Aswathaiya on the Chinthamani Town Municipality

To
The D C, Kolar
No L 1445 D 2-8-49
Confirms the ——

WD 010861—GPB—25 000—18-9-50

5503 & 5504.

Petn dy 26-1-49 from Sri K S Aswathanya, son of Sri K Subbarayappa, Chintamani appealing against the orders of the Addl, Town Sheristadar, Chintamani, Cancelling the sale of site No 29 purchased by him in the anchor sale held on 10-1-49

1) Minutes of the Minister for L S G on the Petn Addressed at 3 30 P M. Call for a report from the D C Kolar at once (J & R) C 26/1/49

Petn dy 26-1-49 from the same gentleman praying for the issue of a stay order in the above matter.

2) Minutes of the Minister for L S G on the Petn "Addressed personally at 3 30 P M through a counsel Issue a stay order immediately pending the final orders."

(J & R) C 26/1/49

3) Submitted with draft letters for appl

27/1 Pr 27-1-49

4) Issue as sent

27/1/49

5504
L

To The Dy Commr, Kolar Dt
No L 8549 dt 27-1-49
Calls for a report and states
that pending the issue of final
orders in the matter, further
proceedings may be stayed

To The Dpt, Town mcl, Chintamani
No L 8550 dt 27-1-49
Sends a copy of the above for information
& guidance

To, Sri K S Aswathanya,
Chintamani
No L 8551 dt 27-1-49
Informs him that a stay order
has been issued in the matter

Sent
28/1

Letter No A5 e 1146/48-49 dt 23-2-49 from
the Dy Commr, Kolar Dt, forwarding a report
in the matter

5) The report received from the Dpt, Town mcl
Chintamani, by the Dy Commr, Kolar Dt is submitted
Perusal with reference to Para 1 supra

6) In the penultimate Para of the report, the
Dpt, Chintamani Town mcl has stated
that all the grounds of objections are

55040 6511
L

A Copy of the sale notification has also not been enclosed & but the said notice is in the linked file (Vide flag C")

7) The reports is Common to both the cases (this file & the linked file on the same subject) submit for orders

Ulla 4/3 Por 4/3 reg

8) This Cases is on all-fours with the linked one in which the Legal points are noted. The decision arrived at in that Case would apply equally well for this one also

9) for orders may kindly please be seen

Paul Jay 7/3/19

Munsta 4 sig) 8/3/19 8/Mar

For orders of the Minister Please see file bearing D.No 6055/L

Submitted with draft notice for approval

Ulla 15/3 Por 15/3 reg

Approved 15/3/19

5504
L

To The Dy Commr, Kolar Dt
No L 8549 dt 27-1-49
Calls for a report and states
that pending the issue of final
orders in the matter, further
proceedings may be stayed

To The Odt, Town mcl, Chintamani
No L 8550 dt 27-1-49
Sends a copy of the above for information
& guidance

To, Sri K S Aswathanja,
Chintamani
No L 8551 dt 27-1-49
Informs him that a stay order
has been issued in the matter

Sent
28/1

Letter No AS C 1146/48-49 dt 23-2-49 from
the Dy Commr, Kolar Dt, forwarding a report
in the matter

5) The report received from the Odt, Town mcl
Chintamani, by the Dy Commr, Kolar Dt is submitted for
Perusal with reference to Para 1 supra

6) In the penultimate Para of the report, the
Odt, Chintamani Town mcl has stated
that all the grounds of objection are

To K S Ayyaswamy
Chintamani

No 10276 Dt 15-3-49

Informs him that the case been posted for hearing at 3-30 PM on 23-3-49

To Sri K Ramaraya Iyengar, Advocate
Near the Dy. Comm's Kacheri St
Bangalore City

No L 10277-9 Dt 15-3-49

Forwards copy of the above

Disposal of Sites in Chintamani Town

6555

Submit the case is posted for hearing on 23 3-49 at 3 30 pm in the Chambers of the Minister for L S G

If approved, the file will be sent to the Minister's office

Ullas 17/3 17/3/49

P A to the Minister for L S G 17/3/49

[illegible] for appellants - Counsel an adjournment, the case has been posted to 4/4/49 at 3 p m

Rw 24/3

24/3/49

Pl see for notice 24/3/49

Submit with a draft notice for appl

Ullas 24/3

Issue today

24/3/49

To Sri K S Aswathanarayana Chintamani Town No L11037 & 25 3-49

Intimate him that the case has been Posted for hearing on 4-4-49 at 3 P m

To Sri K Shamaraya Iyengar Advocate, Bangalore City
The Dy Commr, Kolar
The Dist, Town Office Chintamani
No L11038 11039-40 & 25/3/49

Forwards a Copy of the

Office of the Minister for L S G
Bangalore
Date 24/3/49

6555-65/11
L

Submitted The Case has been Posted for hearing at 3 P M on 4-4-49

If agreed, the file will sent to the Office of the Minister for L S G

28/3

P A to the Minister for L S G

OFFICE OF THE MINISTER FOR LOCAL SELF-GOVERNMENT
No 3775
Date 31/3/49

The case is adjourned to 16th April 49 at 3 P M

Or
4/4/49 A/16

SECTION TO OUT OF MYSORE
Date Paid 6/4
GOVERNMENT ARTMENTS

Submitted with a draft notice for appln

Issue as advised

8/4 8-4-49

To Sri L-S Aswatharya,
Chintamani
No L 11543 Dt 9-4-49
Informs him that the Case has been Posted for hearing at 3 P M on 16-4-49

To Sri K. Shamaraja Iyengar,
Advocate, Bloe
The Dy Comm, Kolar Dt
The Pat, Poramandal, Chintamani
No L 11544 & 11545-6 Dt 9-4-49
Forwards a copy of the above

Cancellation of the sale of site in Chintamani

~~6555~~ 6511
I

The case has been Posted for hearing at 3 P M on 16-4-49

The file will be sent to the Office of the Minister for L S G

UMS 10/4 P.A. to Minister for L S G 11/4/49

THE DIRECTOR OF LOCAL SELF GOVERNMENT
R 5064
Dt 11/4/49

Rec'd 19/4

The case is adjourned to ~~2nd May~~ 14th May 3-30 P M at the request of the respondent

Sd 16/4/49

2/19/4/49

Pl issue postponement

1 20/4/49

Sent with a draft Notice to appl

UMS 21/4 P.A. to Minister 21/4/49

Issue today 21/4/49

To Sri K S Aswathanya, Chintamani
No L 12319 & 25-4-49
Informs him that the case has been Posted for hearing at 3 30 P M on 14-5-49

To, Sri K Shamaraja Iyengar, Bangalore City
No L 12320 & 25-4-49
Forwards a copy of the above

To The Dy Commr Kolar Dt
The Asst Town Mgr, Chintamani
No L 12321-2 & 25-4-49
Forwards copies of the above for information.

6511
L

To, Sri K S Subbarayappa,
Chintamani
No L 10280 dt 15-3 49
informs him that the case has been
Posted for hearing at 3 30 P M on 23-3 49

To Sri K Shamaraya Iyengar
Advocate, Bangalore city
No L The Dy Commr, Kolar Dt
The Dist, Town Mcpl, Chintamani
No L 10281-3 dt 15-3 49
Forwards a copy of the above

Submd The file will be sent to the
P A to the Minister for L S G
17/3 17/3/49

P A to the
Minister for L S G 17/3/49

For orders of the Minister, Please the file
bearing D No 6555/L The cases posted
for hearing at 3 P M on 4-4-49

Submd with a draft notice for approval
16/3

Issued
26/3/49

To, K S Subbarayappa
No L 11042 dt 25 3 49
states that the case has been posted on 4-4-49

To Sri K Shamaraya Iyengar, Bloc
The Dy Commr, Kolar Dt
The Dist, Town Mcpl, Chintamani
} No L 11043 &
11044-5
dt 25-3 49
forwards a copy

A Copy of the sale notification has also not been enclosed & but the said notice is on the linked file (Vide flag C")

7) The report is common to both the cases (this file & the linked file on the same subject) submit for orders

UKG 4/3 Pse 4/3 seq

8) This Cases on all-fours with the linked one in which the Legal points are noted. The decision arrived at in that Case would apply equally well for this one also

9) For orders with regard to papers / draft

Paul seq) Law 7/3/19

Munshi L seq) L 7/3/19 Law 8/3/19

For orders of the Minister Please see file hearing D.O. no 6055/L

Submit with draft notice for appl

UKG 15/3 Pse 15/3 seq

Appl to sd 15/3/19

Cancellation of the sale of Arkem Chintamani

6555-6571
L

Submit the file will now be sent to the office of the Minister for L S G & the case is listed for hearing on the 14th May by
25/4

P A to the Minister L S G

O/C OF
THE MINISTER FOR
LOCAL SELF GOVERNMENT
No
Date 26/4/89

The Case Posted for hearing on 14.5.89 May kindly will be taken up at 1 p.m instead of 3.30 p.m as previously noticed The Parties may kindly be informed accordingly

A.S.S. (L.S.G.)

Encl. 10/5/89 (P.A. in charge)

Submit with a draft notice for approval

10/5

I have also sent the file to the Minister's Secretariat for 10/5/89

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

To Sri K S Aswathanya, Chintamani
No L 13054 Dt 10-5-49
Informs him that the case will be taken up for hearing at 1PM instead of 3.30 PM on Saturday the 14th May 1949

To Sri K Shamaraya Iyengar
Advocate, Bangalore City.
No L 13055 Dt 10-5-49
Forwards a copy of the above

To The Dy Commr, Kolar
The Dist, Government, Chintamani
No L 13056-7 Dt 10-5-49
Forwards copies of the above and the file will be sent to the office of the Minister for L S G
The case will be heard at 1PM on 14-5-49

10/5

P A to the Minister for L S G 10/5/49

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No
Date 10/5/49

The case is posted for hearing at 2-30 PM on 27-5-49
For orders of the Minister for L S G
Please see the linked file Dis No 6511/L-
Submitted with a draft notice for approval

23/5

Done
23/5/49

To Sri K S Aswathanya Chintamani
No L 13699 Dt 23-5-49
I am to inform you that the case is posted for

NOTE—Contn Sheet

File No of 194 | General and Revenue Secretariat

Serial No

hearing at 2 30 P M on 27-5-49.
To Sri K Shamaraya Iyengar
Advocate Bangalore City
No 13700 Dy 23-5-49
forwards a copy of the above
To The Inspector General of Police,
Madras, Commercial Intelligence
No L 15611-2 Dy 23-5-49
forwarding a note of the proceedings

Subd The case is posted for hearing
at 2 30 P M on 27-5-49
The file will be sent to the
office of the Minister for L S G

WB 24/5 Pr 24-5-49

P A to the Minister L S G
(Order of the Minister L S G in the limited file
adjourning the case to 3-0 pm on 15-6-49)

Subd with a draft notice for appl

WB 7/6 Pr 7-6-49

To K S Aswathanya
Chintamani
No L 14246 Dy 8-6-49
Informs that the case is posted for hearing
at 3 P M on 15-6-49
To Sri K Shamaraya Iyengar
Advocate, Bangalore City
No L 14247 Dy 8-6-49
forwards a copy of the above

~~6535~~ 6511
L

To The Dy Commr, Kolar &c
The Dist, Tournel, Chintamani
No L14248-9 Dy 8-6-49
Forwards a copy of the above

Subd
The case is posted for hearing at 10 P M on 15-6-49.

If appld, the file will be sent to the office of the Minister for L S G

Illegible 10/6 Dr 11-6-49 P A To the Minister for L S G Hon'ble 11/6/49

The case has been Posted for hearing at 3 P M on 11-7-49 (for orders of the Minister, Please See file bearing Dno 6535/L)

Subd with a draft notice for appld
Illegible 20/6
Hon'ble 20/6/49

To K S Aswathanya, Chintamani
No L14560 Dy 21-6-49
States that the case has been Posted for hearing at 3 P M on Monday the 11th July-1949
To, Sri K Ghanaraja Iyengar
Advocate, Bgr
No L 14561 Dy 21-6 49
Forwards Copy of the above
To Sri A B Ubarayappa,
Advocate Bgr—
No L 14562 Dy 21-6-49
Forwards Copy of the above

12

6511/L

To The Dy Commr Kolar Dt,
The Dist, Town area Chintamani
No L 14563-4 Dy 21-6-49
Forwards copies of the notice for information -

Submd

The case has been posted for hearing at 3 PM on 11-7-49

If appld, the file will be sent to the office of the Minister for L S G

Ms 22/6

P A to the Minister for L S G

I heard with keen interest the arguments advanced by both Counsels for petitioners and respondent

The points urged by the Counsel for petitioners are (1) that, as one of the petitioners was not in the station on 17th January 1949 which was the due date for payment of the balence of the bid amount, they could not pay and offered the amount on 18th after a day delay of one day but it was refused by the President on the ground that the due date as per Istihar was over (2) that the president cancelled the sale held in favour of the petitioner on the very next day i e , on 18th and fixed a date for resale and also issued a notice to the petitioners on the same day This act of the President, the Counsel for petitioners contends, was not within his powers as per the Town Municipalities Act, Section 38(3) Even according to the Istihar, the President had no powers either to cancel or to approve of the sale but he could only report to the Municipal Council

The Counsel for respondent argued that the President was well within his powers in doing the above acts referred to by Counsel for petitioners and that the action of the President was subsequently ratified by the Municipal Council and therefore the deposit of the petitioners must be forfeited and the sale carcelle

That the petitioners are defaulters is an undisputed fact as conceded by the petitioners themselves The plea put forth by the Counsel for petitioners that one of the petitioners was not in the station and hence they could not pay on the due date, is a lame excuse which cannot be accepted Nothing prevented the parties from paying the amount a few days in advance or employing some body for making the same payment on the due date The President was well within his limits in refusing the amount which was offered a day after the due date But I fail to understand the hurried decision taken by the President in cancelling the sale by himself on the very next day after the expiry of the date and issuing a notice to the parties stating that the sale of sites in question was cancelled and the same will be put for resale I am certain that the President was rot competent to take up this

~~65~~ 65½ V ~~6555~~ ½

stand without reference to the Municipal Council He should have merely reported the matter with his opinion to the Municipal Council for decision This is contrary to the conditions of the Istihar where it is ~~stated~~ contemplated that only the Municipal Council that can either cancel or approve Subsequently the action of the President was ratified by the Municipal Council I am sure that the President was not authorised by the Municipal Council to decide things himself as he thought fit and get the same ratified by the Municipal Council at a subsequent meeting When the President had taken a particular stand, the Municipal Council had no other option but to ratify the action of the President whether willingly or otherwise It can be said that the Municipal Council was at liberty to differ from the President even at that stage but at the same time it is possible to presume that the President would have pursuaded the members to approve of his action, taken by him whether rightly or wrongly I feel even the Municipal Council had no powers either to approve or cancel as the bid amount exceeded Rs 1000/- under the provisions of the Town Municipalities Act 1933 They should have simply reported the whole thing by means of a resolution of the Municipal Council to Government for final orders Taking into consideration all aspect of the question the arguments advanced by both the Counsels, the solvency of otherwise of the parties concerned and the circumstances under which the delay of one day was caused, I am inclined to state that the delay of one day is due to the carelessness but not malafide The whole procedure adopted by the President and the Municipal Council is not quite constitutional Hence I cordone the delay in making the payment of the balance of the bid amount and set side the decision of the Municipal Council and confirm the sale in favour of the petitioners subject to the conditions that the petitioners shall pay the balance of the bid amount with interest at 6% till the date of full payment The petitioners also shall pay to the Municipality the cost incurred for conducting this case within 15 days from the date of Government Order

Irited R C
25-7-1949

vide draft put up in the Lankan file (Agrees 6555/2)
Agreed

1497) To the Dy Commr, Kolar Dt
No L 1445 Dy 2-8 49
Directs him to set aside the cancellation of the sale & to confirm the sale of the site in favour of the Petitioner subject to the condition that the Petitioner shall pay to the mclf the balance of the bid amount with interest at 6% till the date of Payment & also directs the Petitioner to pay to the mclf the cost incurred by it for conducting this case

To the Addl Town mcl cl, Chintamani
No L 1446 Dy 2 8 49
Forwards a copy of the above

1498) To Sri K S Aswathaya,
Chintamani
No L (447) Dy 2-8 49
Intimates the contents of the above letter

Petn Dy 9-8 49 from Sri K S Aswathaya Merchant, Chintamani requesting that the Payment of interest may be ordered to be charged for the delay one day only & ~~also~~ that the cost payable to the mclf may be fixed [redacted] Cont alone
sent for Perusal

Two requests are made in the Petn

16

6511 S 1087 L

and they are as follows —

(1) That interest on the balance of the bid amount may be ordered to be charged for the delay of one day only.

(2) That the Cost Payable to the Mfg on account of Conducting this Case may be fixed by Govt

10/8 Kind regd is invited to the notes in the file and the draft order in this case also

10/8/49

Reference is invited to notes on the subject

Office of the Minister for Local Self Government
No 787
Date 12/8/49

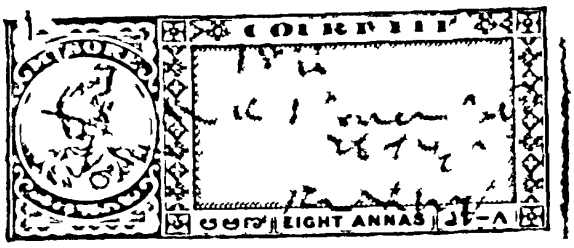
Minister 11/8/49

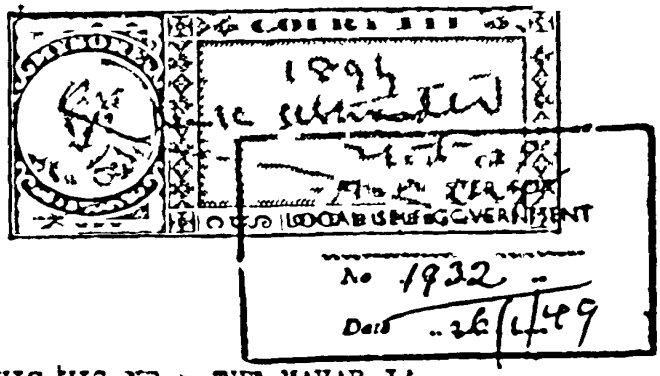
The orders that would be passed in the above file were submitted in this case also

11/10/49

Vide orders in MOL 2422 dt 21-10-49 in file 67-48(93-95)

5504/44.
27/1





BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

Appellant:- K S Aswathaiya, son of K Subbarayappa, aged 35 years, Vysya, Chintamani Town, Kolar District

Heard in person at 3-30 P M through a Counsel issue ad interim order restraining pending the final orders

26/1/49

The appellant abovenamed begs to state as follows:-

1 The appellant has to-day preferred an appeal against the order of the President, Town Municipal Council, Chintamani

2 That the order of the President cancelling the sale and ordering resale is patently illegal and improper by reason of the fact that the amount was offered on 18/1/49 along and the same has been sent by means of draft

3 That the resale has been ordered of the site after forfeiture of the earnest money of Rs 1,130/- and the sale takes place on 31/1/49

4 That if the sale takes place pending the decision of this appeal, then the interest of 3rd parties may arise and the question will be more complicated, besides the appellant having to lose the earnest money and also the site which he has purchased for a heavy price

5 That if the saleis stopped no loss or injury will be caused to the Municipality

It is threfore just and necessary that pending the decision of this appeal, further proceeding in respect of Shop Site No 29 of Chintamani Town may be stayed by the Government

Bangalore City
Dated: 26/1/49

K Ramachandra Rao
Advocate
26/1/49

K S Aswathaiya
APPELLANT

To

The President

Town Municipal Council

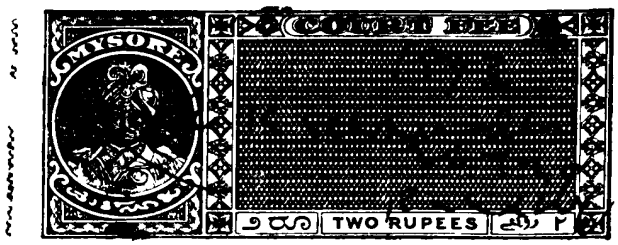
Chintamani

Dear Sir

It is a matter of fact for your knowledge, that at the auction of the sites held at the Municipal Council on 10-1-43 I purchased site No 29 for Rs 4527/- and also paid one fifth of the sale price on the very day. Then I sent not two thousand of the price on 18-1-43 when I was to receive this same on the very next day and no delay. In the circumstances due urgency this delay does not matter and you are not legally entitled to receive from the contract the balance of the sale price Rs 3390/- in cash hereby send a draft on the Vysya Bank Ltd Chintamani Please therefore accept the same and take further steps to conform your part of the contract

K Subbarayudu
Advocate
Chickballapur

Yours faithfully
(Sd) K S Anantha



In the Court of the Government of His Highness the Maharaja of Mysore **BANGALORE**

Suit No of 1948-1949.

Plaintiff / Appellant Petitioner / Complainant		*Defendant / Respondent Counter Petitioner / Accused*
K-S Aswathiah	Vs	

The Appellant do hereby

appoint and retain **K Shamaraja Iyengar,** B A, and K Sahasranama Rao B Sc LL B
ADVOCATE 72 CHICKPET BANGALORE CITY

to appear for me in the above suit / Original / Miscellaneous petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I empower my Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any money that might be payable to me in the said suit or matter

Accepted

K Shamaraja Iyengar
K Sahasranama Rao

ADVOCATE
72 Chickpet
Bangalore City

K S Aswathiah

Personally known to me and signed in my presence

Dated 26/1 1949

26/1/49

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

Appellant:- K.S Aswathaiya, son of K Subbarayappa, aged years, Vysya, Chintamani Town, Kolar District

The appeallant abovenamed begs to prefer this appeal against the Order of the President of the Municipal Council, Chintamani Town, cancelling the public auction of a shop site measuring 13X25 feet in Chintamani Town and advertising a fresh sale of the same for the following among other grounds:-

1 That the Town Municipal Council advertised for sale 30 sites each measuring 13X25 feet in Chintamani Town on 10/1/49

2 That the appellant was the highest bidder for site No 29 for Rs 4520/- and his bid was accepted and the appellant deposited Rs 1130/- being the ¼th of the Sale price

3 That the appellant went to deposit the balance of the amount, i e Rs.3,390/- on 16/1/49. The president refused to receive the amount saying that there was delay in crediting the balance

4 That the appellant did not wantenly delay the payment. He wanted to credit the amount on 17/1/49.

5 That the appellant felt very much for the refusal of the amount by the Municipal President The appellant feels that his refusal is due to the enimity

the enimity between himself and the Municipal President There are instances where the amounts in respect of auction sales were received late and the sales were received late and the sales have been confirmed and recommended Even in the present sales there are cases in which monies have been received and credited late and yet the sales have not been cancelled

6 That the Municipal President does not seem to have put the matter before the Municipal Council and appears to have acted arbitrarily having illwill against the appellant

7 That there is no reason to refuse to receive the entire balance on the 18th of this month The Municipal Council would not have suffered any loss nor has it suffered any loss by reason of the appellant not depositing the amount on 17/1/49 His malicious intention is borne out by the uncalled for and unnecessary advertisement in the "Janavani" of 24/1/49 which is herewith filed

8 That the President should have excercised his discretion in favour of the ppellant and received the amount, subject to the approval of the Municipal Council, since the dealy was unintentional and negligible and there was no fatal defect or loss to the Council and later on, to the Government

9 That the Municipal President having refused to receive the amount should have taken notice of the draft for Rs 3,390/- on the Vysya Bank Ltd., Chintamani, sent by the appellant and stayed the alleged cancellation of the sale and the auction of the site on 31/1/49

10. That even now the amount is sent to the Municipal Council and it is strange that the President has issued the accompanying notice which among other things states

states that the 1th of the sale amount deposited, i e Rs 1,100/- would be forfeited

11 That it is entirely unjust and illegal for the Municipal President to have refused to receive the amount tendered and then to have cancelled the same passed Orders for forfeiture and resale of the site even without the Municipal Council meeting so far as the appellant's knowledge goes

12 That the appellant suffers material injury on account of the cancellation of the sale which has brought the appellant lower in the estimation of the people and also on account of the forfeiture of the earnest money of Rs 1,100/-, which is not a small sum

13 That the decision of the Municipal President is improper, illegal and against th weight of evidence, probabilities of the case and the decision deserves to be cancelled

14 That the appellant is ready and willing to deposit the amount immediately, (which he has already done) and therefore there will be no loss to the Municipal Council in the event of upholding the sale in his favour

Wherefore the appellant humbly prays that in the interest of justice and fairplay the Government may be pleased to call for the records and after hearing and perusal of the records cancel the decision of the president and confirm the sale in favour of the appellant after receiving the balance of the sale amount In any event the order of forfeiture may already be cancelled and the earnest money refunded to him in case the sale is not confirmed, as otherwise irreparable injury and material loss will be caused to the appellant

Bangalore City

Date 26/11/63

APPELLANT

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE, BANGALORE

Appellant - K S Aswathaiya, son of P Subbarayappa,
aged years, Vysya, Chintamani Town,
Kolar District

The appellant abovenamed begs to state as follows:-

1 The appellant has to-day preferred an appeal against the order of the President, Town Municipal Council, Chintamani

2 That the order of the President cancelling the sale and ordering resale is patently illegal and improper by reason of the fact that the amount was offered on 18/1/49 alone and the same has been sent by means of draft

3 That the resale has been ordered of the site after forfeiture of the earnest money of Rs 1,130/- and the sale takes place on 31/1/49

4 That if the sale takes place pending the decision of this appeal, then the interest of 3rd parties may arise and the question will be more complicated, besides the appellant having to lose the earnest money and also the site which he has purchased for a heavy price

5 That if the saleis stopped no loss or injury will be caused to the Municipality

It is threfore just and necessary that pending the decision of this appeal, further proceeding in respect of Shop site No 29 of Chintamani Town may be stayed by the Government

Bangalore City
Dated 26/1/49

APPELLANT

1849
27-1-49

To The Dy Commr, Kolar Dt

Sir,

I am directed to forward herewith in original, a petn dy 26-1-49 received from Sri K S Aswathanya, son of Sri K Subbarayappa, Chintamani, appealing against the orders of the Addl, Town, Mr. Cl. Chintamani in cancelling the sale of site no 29 purchased by him in the auction sale held on 10-1-49 and to request you to forward immediately a detailed report in the matter

Pending the issue of final orders in the matter, further proceedings in this behalf may be stayed

The Petn sent in original

9
may be kindly returned with the report

Yours faithfully
for
Victor Secy to Govt

Memo No L 8550 dt 27-1-43

Copy of the above is forwarded ~~with compliments~~ to the Port, Town Mr. Cl, Chintamani for information & guidance

By order
for
for Secy to Govt
M. G. Deputy
27/1/43

10

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L8549

General and Revenue Secretariat

Dated Bangalore 27-1- 19 49

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore

General Department

To

The Deputy Commissioner,
Kolar District

SIR

I am directed to forward herewith, in original, a petition dated 26th January 1949 received from Sri K S Aswathaiya, son of Sri K Subbarayappa, Chintamani Town, appealing against the orders of the President, Town Municipal Council, Chintamani, in cancelling the sale of site No 29 purchased by him in the auction sale held on 10th January 1949 and to request you to forward immediately a detailed report in the matter

Pending the issue of final orders in the matter, further proceedings in this behalf may be stayed

The petition sent in original may be kindly returned with the report

Yours faithfully,

Sd/- Mir Safdar Hussain,
Secretary to Government,
General Department

Memo No L 8550 dt 27-1-49

Copy of the above is forwarded, with compliments, to the President, Town Municipal Council, Chintamani, for information and guidance

By Order,

For Secretary to Government,
General Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 27-1-49

No L 8551

ENDORSEMENT

Granted to Sri K S Aswathaiya, son of
Sri K Subbarayappa, Vysya, Chintamani Town,
Kolar District

In reply to his petition dated the 26th January 1949, appealing against the order of the President, Chintamani Town Municipal Council, in having carcelled the sale of site No 29 to him in the auction held on 10th January 1949 etc , the petitioner is informed that stay orders have been issued in the matter, pending receipt of report called for from the ~~President~~ Deputy Commissioner, Kolar District

By Order,

For Secretary to Government,
General Department

3504

5993 Jul 9

Office of the Minister for Local Self Government

No 2028

Late 7/

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE BANGALORE

APPELLANT:- K S Aswathiah son of K S Subbarayappa General Merchant Chintamani

The appellant abovenamed begs to state as follows in continuation of the appeal memo filed on 26-1-49, against the order of the president Town Municipal Council Chintamani:-

put up along with the appeal petition

On 4/2/49

1 That the Draft No 30/49 for Rs. 3390/-on the Vysya Bank Chickballapur which the appellant had sent on 20-1-49 to the President Town Municipal Council Chintamani has been returned to the appellant with an endorsement which is herewith filed

2 The fact of the appellant having sent the above said amount through draft on the refusal of the president to receive cash tendered by the appellant has been mentioned in para 9 of the appeal memo

Genl Sec

3 That since the draft has been returned, the appellant is compelled to have it cashed himself as he cannot endorse the same to others

4 The endorsement filed will prove the bonafides of the appellant for having sent the money

5 That the appellant undertakes to deposit ready cash whenever demanded by this Hon'ble Court to the extent of the amount sent through the draft

Therefore the appellant prays that he may be allowed to encash the draft and realise the money and have it ready for being deposited whenever directed to do so by this Hon'ble Court

K Seshadri
Advocate for Appellant

Bangalore City
Date - 4-2-49

13

O C No 127/48-49
Enc one Draft for Rs 3427 8 -

Office of the President
Town Municipal Council
Chintamani dated 22nd Jan 1949

ENDORSEMENT

With reference to his application dated 20-1-49 sent along with the Chikballapur Vysya Bank draft No. 31/49 dated 20-1-49 Sri K S Subbarayappa general merchant, Chintamani is hereby informed that his request cannot be complied with and draft No 31/49 dated 20-1-49 for Rs 3427-8-0 is herewith returned as the same cannot be accepted contrary to the conditions of the sale notification

Further he is informed that the resale of the said site will be held on 31-1-49 and the same has already been notified

PRESIDENT 22/1

14

No 5 C 1146/48-49

Enc one file

OFFICE OF THE DEPUTY COMMISSIONER
KOLAR DISTRICT

Dated Kolar 23rd February 1949

6511/ml
1-3-49

To

The Secretary to Government of Mysore,
General Department, Bangalore

Sir,

With reference to your letter No L 8549 dated 27th January 1949 forwarding the appeal petition of Sri I S Aswathaiya son of Sri I Subbarayappa, Chintamani Town for report, I have the honour to forward herewith the connected records received from the President with his No O C 127 dated 6th February 1949 The report of the President is self contained and the details called for have been furnished The appeal petition is also enclosed

Yours faithfully,

Deputy Commissioner,
Kolar District

NS

Absent from HQ

Encl

~~Encl Orders~~

L10276 - d 11-3-49

15

To

Sri K S Aswathanna,
Son of Sri K Subbarayappa
Chintamani Town

With reference to his Petn dt 26-1-49 appealing against the orders of the Addl of the Munsif Chintamani cancelling the sale of site no 29 purchased by him in the auction sale held on 10-1-49, Sri Aswathanna is informed that the Minister for R S & E will hear the case at 3-30 P M on Wednesday the 23rd March 49 in his Chambers in the ~~old~~ Public offices, Bangalore

By order

Memo no X 10274-98 dt 15/3/49

Copy of the above is forwarded to the

: 16 ~~compliments~~ to Sri K Shamaraja Iyer
B A, Advocate, 72, Chickpet, Bangalore
by for information

By order

Master of Secretaries
1973

Copy forwarded for info to
1) The DC, Kolar dist w/c
2) The Pdt Town Muni Cl, Chintamani

PSO
for Asst Secy
For 27/1/73

Notice No L(1103) Sessions 17
7/3/49

To, Sri K S Aswathanya
Son of Sri K Subbarayappa
Chintamani Town

In continuation of this office notice
RO 10276 dt 15 3 49, Sri Aswathanya is
informed that his petn appealing against
the orders of the Pdt Chintamani Town mnc cl,
cancelling the sale of site no 29 purchased
by him in the auction sale held on 10 1-49
is posted for hearing at 3 P M on Monday
the 4th April 1949 in the chambers of the
Minister for L S G in the Public offices,
Bangalore

By order
for Gl Secy to Govt
15 3-49

Memo no L1103 P

Copy of the above is forwarded to Sri K Shama
-raya Iyengar, B A, Advocate, 72, Chickpet

18 Bangalore a/f for information in Continuation
of memo no L10277-9 dt 15/3/49 By order

for
Ulk for gl secy to Govt

Memo no L 11039-40 dt 25-3-49

Copies of the above are forwarded with
Compliments to the Dy Comm'r, Kolar Dt
Addl, Commercl, Chintamani
for information with reference to Continuation of
memo no L10277-9 dt 15/3/49

By order

for
Ulk for gl secy to Govt.

19

GENERAL & REVENUE SECRETARIAT.

No. 11037 Dated, Bangalore, the 25 3 49

NOTICE

Sri K S Aswathaiya,
Son of Sri K Subbarayappa,
Chintamani Town

In continuation of this office notice No 10276 dated 15th March 1949, Sri Aswathaiya is informed that his petition appealing against the orders of the President, Chintamani Town Municipal Council, cancelling the sale of site No 29 purchased by him in the auction sale held on 10th January 1949 is posted for hearing at 3 p m on MONDAY the 4th APRIL 1949 in the Chambers of the Minister for Local Self Government in the Public Offices, Bangalore

By Order,
Sd/- Mir Safdar Hussain,
General Secretary to Government

Memo No L 11038 dt 25 3 49

Copy of the above is forwarded to Sri K Shama raja Iyengar, B A , Advocate, 72, Chickpet, Bangalore Ci for information in continuation of Memo No L 10277-9 dated 15th March 1949

By Order,
Sd/- Mir Safdar Hussain,
General Secretary to Government

Memo No L 11039-40 dt 25 3 49

Copies of the above are forwarded, with compliments

2o

to the Deputy Commissioner, Kolar District/ President, Town Municipal Council, Chintamani, for information in continuation of Memo No L 10277-9 dated 15th March 1940

By Order,

For Secretary to Government,
General Department.

, 5 Copies

L 11543
9/4/49

21

Notice

Sri K S Aswathaiya,
Son of Sri K Subbarayappa
Chintamani

In continuation of this office notice No L 11037 dt 25 3 49, Sri Aswathaiya is informed that his petn appealing against the orders of the Dist, Chintamani Town Md, cancelling the sale of site No 29 purchased by him in the auction sale held on 10th January 49, is posted for hearing at 3 P m on Saturday the 16th April 1949 in the Chambers of the Minister for L S Govt in the Public offices, Bangalore

By order
for

Memo No L 11544 dt 9 4 49 for information & necessary follow
Copy of the above is forwarded to

22.

Sri K Shamaraja Iyengar B A, Advocate
72, Chickpet, Bangalore City for information
in continuation of Memo No L 11038 dt
25 3-49

By order

for Gl secy to Govt

Memo no L 11541-6 dt 9 4 49

Copies of the above are forwarded with
compliments to the Dy Comm, Kolar Dt
Dist Council, Chintamani
for information in continuation of Memo
No L 11039-40 dt 25 3-49

By order,

for Gl secy to Govt

Fr
8 4 49

General & Revenue Secretariat,

No L11543 Dated, Bangalore, the 9 4 49

NOTICE

Sri E.S Aswathaiya,
Son of Sri K Subbarayappa,
Chintamani

In continuation of this office notice No L 11037 dated 25th March 1949, Sri Aswathaiya is informed that his petition appealing against the orders of the President Chintamani Town Municipal Council cancelling the sale of site No 29 purchased by him in the auction sale held on 10th January 1949, is posted for hearing at 3 P M on Saturday the 16th April 1949 in the Chambers of the Minister for Local Self Government in the Public Offices, Bangalore

By Order,

Sd/- Mir Safdar Hussain,
General Secretary to Government

Memo No L11544 & 9

Copy of the above is forwarded, ~~with compliments~~ to ~~the~~ Sri K Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore, for information in continuation of Memo No L 11038 dated 25th March 1949

By Order,

Sd/- Mir Safdar Hussain,
Gereral Secretary to Government

Memo No L11545 L 9/4/49

Copies of the above is forwarded, with compliments, to the Dy Comr Kolar St/Dist Town Municipal Chintamani for information in continuation of Memo No L 11039-40

24

dated 25th March, 1949

By Order,

for General Secretary to Government

25

47

Chr 11/35

11/30 Chintamani 16

Minister Local Govt Bangalore

16/9/47 Kindly adjourn Chintamani Municipal appeals 12-30 noon.

Mr C Anjaneya
President

may be adjourned

Chr 16/9/47

B Class Prefix] _____ Code _____ **INDIAN POSTS AND TELEGRAPHS DEPARTMENT** No

Recd at _____ H _____ M | Sent at _____ M | Office Stamp

From _____ | To _____

By _____ | By _____

Office of Origin | Date | Service Instructions | Words

TO

11/30

11/30

N B —The name of the Sender if tele raphed should be written after but separated from the text

Caxt n P M d — 48—5 Bks

To Cover

L 12319
25-4-49

Notice

Sri K S Aswathanya
Son of Sri K Subbarayappa
Chintamani

In continuation of this office notice No L 11543 dt 9-4-49, Sri Aswathanya is informed that the Petn appealing against the orders of the Pdt Chintamani Town Council, cancelling the sale of site No 29 purchased by him in the auction sale held on 10-1-49, is posted for hearing at ~~10-30 AM~~ on 3.30 PM on Saturday the 14th May 1949 in the chambers of the Minister for L S G in the Public offices, Bangalore

By order
for

Memo No L 12320 dt 25-4-49 Advocate for the petitioner

Copy of the above is forwarded to Sri K Shama-raya Iyengar, B A, Advocate, 72 Chickpet

Bangalore 27 for information in Continuation of Memo no L 115446 dt 9-4-49

By order

for gl secy to Govt

Memo no L 12321-2 dt 25-4-49

Copies of the above are forwarded with Compliments to the Dy Comm, Kolar dt

Dpt, Town Inl Cl, Chintamani

for information in Continuation of Memo no L 115456 dt 9-4-49

By order

for gl secy to Govt

Pr 27-4-49

No. 12319 GENERAL & REVENUE SECRETARIAT,
Dated, Bangalore, the 25th April 1949.

Copy of the above to ---

NOTICE

To

Sri.K.S.Aswathaiya,
Son of Sri K.Subbarayappa,
CHINTAMANI

In continuation of this office notice No L 11543 dated 9.4.49, Sri K.S.Aswathaiya is informed that his petition appealing against the orders of the President, Chintamani Town Municipal Council, cancelling the sale of site No.29 purchased by him in the auction sale held on 10-1-1949, is posted for hearing at 3-30 P.M. on Saturday the 14th May 1949 in the Chambers of the Minister for Local Self Government in the Public Offices, Bangalore

By Order,

Sd. Mir Safdar Hussain.

Secretary to Government,
General Department.

Memo No L. 12320 dt 25 4 49

Copy of the above is forwarded to Sri K.Shamaraja

24 P27

pds 29

Iyengar, B A., Advocate, 72, Chik apet, Bangalore, for information in continuation of Memo No L.11544 dated 9-4-1949.

By Order,

Sd Mir Safdar Hussain

Secretary to Government,
General Department.

Memo No L. 12321-22 dtd 5 4 49

Copies of the above are forwarded with compliments to the Deputy Commissioner, Kolar District for information in continuation of memo No.L.11545-6 dated 9 4 49

President, Town Municipal Council, Chintamani

By Order,

For Secretary to Government,
General Department.

30

GENERAL AND REVENUE SECRETARIAT,
No. L13054 Dated, Bangalore, the 10-5-49

NOTICE

Sri K S Aswathaiya,
Son of Sri K Subbarayeppa,
Chintemari

The petitioner is informed that his case regarding site will be taken up for hearing at 1 p m. instead of at 3-p m. on Saturday the 14th May 1949

By Order,

Sd/- Mir Sefder Hussain,
General Secretary to Government

Memo No. L13054 dated 10-5-49

Copy of the above is forwarded to Sri P Shamaraja Iyengar, B A , Advocate, 72, Chickpet, Bangalore City, for information

By Order,

Sd/- Mir Sefder Hussain,
General Secretary to Government

Memo No L13056-7 dated 10-5-49

Copyes of the above are forwarded, with compliments, to the D C Kolar Dt/Pet, Tahsildar, Chintamani for information

By Order,

for General Secretary to Government

GENERAL AND REVENUE SECRETARIAT.

No. L13699 Dated, Bangalore, the 23 5 49

NOTICE.

Sri K S Aswathaiya,
Son of Sri K Subbarayappa,
Chintamani

The petitioner is informed that his case regarding site No. 29 is posted for hearing at ~~3-30~~ 2-30 P.M on Friday the 27th May 1949

By Order,

Sd/- Mir Safdar Hussain,
General Secretary to Government.

Memo No. L13700 d 23/5/49

Copy of the above is forwarded to Sri K. Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore City, for information.

By Order,

Sd/- Mir Safdar Hussain
General Secretary to Government

Memo No L13701 2 / 23/5

Copies of the above are forwarded, with compliments, to the Dy Commr Kolar & Dist Town Mle cl, Chintamani for information

By Order,

(Draft) for General Secretary to Government

32

GENERAL AND REVENUE SECRETARIAT.

No. L 14244 Dated, Bangalore, the 8 6 49

NOTICE

Sri K S Aswathiah,
Son of Sri K Subbarayappa,
Chintamani

The petitioner is informed that his case regarding site No 29 is posted for hearing at 3 P.M. on Wednesday the 15th June 1949.

By Order,

Sd/- Mir Safdar Hussain,
General Secretary to Government.

Memo No L 14247 dated 8 6 49

Copy of the above is forwarded to Sri K Shamaraja Iyengar, B A., Advocate, 72 Chickpet, Bangalore City, for information

By Order,

Sd/- Mir Safdar Hussain,
General Secretary to Government.

Memo No L 14248-9 8/6/49

Copy of the above are forwarded, with compliments to the D C, Kolar Dt / Addl Town Mgd, Chintamani for information

By Order,

for General Secretary to Government

General and Revenue Secretariat,

No L 14560 Dated, Bangalore, the 21-6-43

NOTICE

Sri K S Aswathiah,
Son of Sri K Subbarayeppa,
Chintamani

The petitioner is informed that his case regarding site No.29 is posted for hearing at 3 P.M. on Monday the 11th July 1943.

By Order,

Sd/- Mir Safdar Hussain,

General Secretary to Government.

Memo No L14561 2116

Copy of the above is forwarded to Sri P Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore City, for information

By Order,

Sd/- Mir Safdar Hussain,

General Secretary to Government.

Memo No L14562 2116

Copy of the above is forwarded to Sri A B Mariappa, B A , LL B , Advocate Bangalore City, for information

By Order,

Sd/- Mir Safdar Hussain,

General Secretary to Government

Memo No L14563-4 2116

Copy of the above are forwarded, with compliments to the Dy Commr Kolar Dt/Dist Town Board, Chintamani

By Order,

General Secretary to Government

To L 1445/mh 67-48-9P d 2 8 49 (34)

The Deputy Commissioner,
Kolar District

Sir,

With reference to your letter No A5 C 1146/48-49 dated 2nd February 1949 forwarding a report on the petition of ~~Sri K S Aswatheiya~~ ~~Sri K S Subbaiyappa~~ of Chintamani, appealing against the orders of the President, Town Municipal Council, Chintamani, cancelling the sale of site No ~~39/89~~ purchased by him in the auction sale held on 10th January 1949, I am directed to state that, after going through the records and hearing the arguments adduced by the parties in the case and taking into consideration the circumstances under which delay of one day was caused in the payment by the petitioner of the balance of the bid amount, the Government are inclined to take a liberal view of the case They are accordingly pleased to set aside the cancellation of the sale and to confirm the sale of the site in favour of the petitioner, subject to the condition that the petitioner shall pay to the Municipality the balanceof the bid amount with interest at 6% till the date of payment Government further direct that the petitioner shall pay to the Municipality the cost incurred by it for conducting this case within fifteen days from the date of the Government Order

Yours faithfully,

for General Secretary to Government

Memo No L 1446/MC d 2 8-49

Copy of the above is forwarded with compliments, to the President, Town Municipal Council, Chintamani, for information

By Order,

for General Secretary to Government

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE (35)

General and Revenue Secretariat

1447/ML 67-48-98 *Dated Bangalore* 2-8-1949

ENDORSEMENT

Granted to Sri K.S Aswathaiya, Chintamani.

With reference to his petition before Government dated 26th January 1949 in the matter of the sale of site No 29[redacted] at Chintamani, the Petitioner is informed that orders have issued confirming the sale of the site in his favour. He should pay the balance of the bid amount immediately with interest at 6% upto the date of payment and also pay the charges incurred by the Chintamani Town Municipal Council in the conduct of the case within a period of fifteen days from the date of the Government order.

By Order,

For General Secretary to Government.

From K S Aswathaiya,
Merchant, Chintamani

Date 9th August 1949

To

The Secretary to Government,
General Department,
Govt of Mysore, Bangalore

Dear sir,

Re Endorsement No L 1447/M1 67-48-98
dated 2/8/1949

I beg to acknowledge the receipt of the above reference and noted the contents therein

I beg to state that the said endorsement directs me to deposit the balance of bid amount together with interest at 6% upto the date of payment and also pay the charges incurred by the Chintamani Town Municipal Council in the conduct of the case in respect of site No 29 at Chintamani

I beg to state that as per the said endorsement I am asked to pay interest I submit that there is only a day's delay in payment of the balance of bid amount to the Municipality On account of this delay the Municipal Council refused to accept the amount sent by me for which I am now penalised to huge interest I was ready to pay the amount, all these days Therefore I request that interest may kindly be charged forone day delay only

Further the endorsement does not state the amount of costs that I have to pay I have every fear that the Municipal Council may fix a large amount of costs also I, therefore, request that the costs also be fixed by your goodself reasonably Further I may be bring to your kind notice that even in revenue sales no interest is charged but only a nominal compensation is given to successful bidder The same method may kindly be adopted in this case also and I may be givenfurther endorsement in all the above matters so that I may deposit the amount immediately without any further delay

Yours faithfully,
KS Aswathaiya